

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

HAWK TECHNOLOGY SYSTEMS, LLC,

Plaintiff,

v.

**CITY OF GREEN BAY, GREEN
BAY/BROWN COUNTY
PROFESSIONAL FOOTBALL STADIUM
DISTRICT, and GREEN BAY
PACKERS, INC.,**

Defendants.

Case No. 1:16-cv-820

PATENT CASE

JURY TRIAL DEMANDED

**PLAINTIFF’S MOTION FOR EXTENSION OF TIME TO SERVE
DEFENDANTS WITH A SUMMONS AND AMENDED COMPLAINT**

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, MyBusinessLoan.com, LLC, (“Plaintiff”) moves for the entry of an order extending the time within which Plaintiff has to serve Defendants with a Summons and its newly-filed Amended Complaint for Patent Infringement, and states:

1. On June 27, 2016 Plaintiff’s filed its Complaint alleging patent infringement by Defendants.
2. Summonses to the Defendants were issued on August 15, 2016.
3. Since filing its Complaint and receiving the issued summonses, Plaintiff identified drafting-related—but not substantive—concerns that potentially made Plaintiff’s Complaint susceptible to a Rule 8 based Motion to Dismiss in this case and another case in a different District.

4. Unfortunately, while Plaintiff evaluated the sufficiency of its Complaint under Fed. R. Civ. P. 8, Plaintiff's 90-day time limit (from the date of filing its Complaint) to serve Defendants expired on September 26, 2016.

5. Plaintiff retained a process server to serve Defendants on September 27, but it was too late. And at least one defendant refused service based on the expiration of the 90-day period set forth in Rule 4(m).

6. On September 30, 2016, Plaintiff filed its Amended Complaint addressing its drafting-related concerns, and will request issuance of new summonses for the Defendants based on the Amended Complaint.

7. Plaintiff respectfully requests 30 days from the date it filed its Amended Complaint to effect service of the Amended Complaint and summonses on Defendants.

WHEREFORE, Plaintiff respectfully requests that the time within which it must serve the Defendants be extended until October 30, 2016. A proposed order is attached for the Court's convenience.

Dated: September 30, 2016

Respectfully submitted,

/s/ David A. Bailey

David A. Bailey

State Bar of Texas No. 24078177

Brian M. Andrade, Of Counsel

State Bar of Texas No. 24078150

LAW OFFICE OF DAVID BAILEY

1701 Gateway Blvd., Suite 333

Richardson, Texas 75080

P: (972) 372-4235

F: (972) 372-0773

E: dbailey@lodb.net

ATTORNEYS FOR PLAINTIFF